

Chairman Vap called the regularly scheduled meeting to order at 10:03 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap present.

GENERAL ADMINISTRATION

Notice was duly published July 12, 2005 on Page 7 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held July 19, 2005 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Commissioner Boyle exited the Commission Hearing Room.

Attention was called to the following proceedings:

Tuesday, July 19, 2005:

C-3324 Commission Hearing Room, Lincoln.
1:30 In the Matter of N.E. Colorado Cellular, Inc., d/b/a Viaero Wireless, Fort Morgan, Colorado, seeking a designation as an eligible telecommunications carrier under 47 U.S.C. Section 214(e)(2). Commissioner Vap presiding as Hearing Officer.

Wednesday, July 20, 2005:

C-3324 City Council Chambers, City Hall, 302 West 5th, McCook.
10:00 In the Matter of N.E. Colorado Cellular, Inc., d/b/a Viaero Wireless, Fort Morgan, Colorado, seeking a designation as an eligible telecommunications carrier under 47 U.S.C. Section 214(e)(2). Commissioner Vap presiding as Hearing Officer.

Thursday, July 21, 2005:

TR-138 Video Hearing. Commission Library, Lincoln; Nebraska
1:30 State Office Building, Room 207, Second Floor, 1313 Farnam Street, Omaha; and Hastings Public Library, 2nd Floor, 517 West 4th Street, Hastings. In the Matter of Safeway Cabs, Inc., Omaha, seeking authority to adjust its rates and charges. Commissioner Boyle presiding as Hearing Officer.

Thursday, July 28, 2005:

Rule and Commission Hearing Room, Lincoln. Workshop.
Regulation In the Matter of the Commission, on its own motion, seeking
#161 to amend Title 291, Chapter 1, Rules of Commission Proce-
9:00 dure, to rewrite a substantial portion of the rules;
correct technical errors, grammar, punctuation, spelling,
sequential numbering and the like; and reprint the chapter
in its entirety.

Commissioner Boyle returned to the Commission Hearing Room.

COMMUNICATIONS DEPARTMENT

C-3432 In the Matter of WWC License, LLC, dba GCC License Corporation, Bellevue, Washington, seeking to withdraw its authority to provide resold interexchange telecommunications service within the state of Nebraska: Motion made by Commissioner Rod Johnson, seconded by Commissioner Lowell Johnson, to enter an order to grant the application. Motion passed with Commissioners Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE, Commissioner Anne Boyle Present Not Voting.

C-3435 In the Matter of LDMI Telecommunications, Inc., dba LDMI Long Distance, Southfield, Michigan, seeking approval of the transfer of control to TalkAmerica, Inc., New Hope, Pennsylvania: Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to enter an order to grant the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

C-3446/
PI-100 In the Matter of the Commission, on its own motion, seeking comment on the request by United Way of the Midlands to be assigned the use of "211" in Wayne and Dixon counties for access to First Call for Help (FCFH), a comprehensive information and referral service: Motion made by Commissioner Anne Boyle, seconded by Commissioner Rod Johnson, to enter an order opening the docket. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

C-3447/
PI-101 In the Matter of the Commission, on its own motion, seeking to review the Qwest Corporation rate center consolidation Plan: Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to enter an order opening the docket and seeking comments. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

C-3434 In the Matter of Citizens Telecommunications Company of Nebraska, Mound, Minnesota, seeking approval of an interconnection agreement with RSA No. 1 Limited Partnership. dba Cellular 29 Plus, Clifton, Virginia: Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to enter an order to approve the agreement. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

CC Docket In the Matter of Developing a Unified Intercarrier
No. 01-92 Compensation Regime: Gene Hand discussed draft reply comments of the Commission to the Federal Communications Commission (FCC). Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to approve filing the comments. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

COMMUNICATIONS DEPARTMENT (Cont.)

Gene Hand updated the Commission on the FCC's approval of the Alltel acquisition of Western Wireless.

Gene Hand reported on proposed resolutions that will be on the telecommunications agenda at the National Association of Regulatory Utility Commissioners (NARUC) Summer Conference in Austin, Texas from July 22-26, 2005.

UNIVERSAL SERVICE FUND

NUSF-37.62 In the Matter of Jeffrey L. Pursley, Director, Universal Service Department, Complainant, vs. Clear World Communications: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to enter an order dismissing the complaint. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

NUSF-43 In the Matter of Nebraska Technology & Telecommunications, Inc., seeking universal service support for supported services provided in ALLTEL exchanges: Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

Jeff Pursley reported on the Late-Filed Carrier Remittances. Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to waive NorthStar Telecom's late fee for May, 2005 and file a complaint against LCR Telecommunications. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

Jeff Pursley reported on the Nebraska Telephone Assistance Program (NTAP).

RULES AND REGULATIONS

Rule and Regulation to amend Title 291, Chapter 9, Natural Gas and Pipeline #157A In the Matter of the Commission, on its own motion, seeking Rules and Regulations, to adopt rules in accordance with Nebraska Legislative Bill 790 [2003]. Commissioner Landis presiding as Hearing Officer: Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to enter an order releasing a fourth set of rules and scheduling a hearing for September 28, 2005 at 10:00 a.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

LEGISLATIVE REPORT

Motion made by Commissioner Rod Johnson, seconded by Commissioner Anne Boyle, to recommend the appointment of Commissioners to the (LB 645) Broadband Services Task Force. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

TRANSPORTATION DEPARTMENT

B-1666 In the Matter of CABS, Inc., Sioux City, Iowa, seeking authority as a common carrier by taxicab in the transportation of passengers and their baggage over irregular routes between points in Cedar, Dixon, Dakota, Wayne, Thurston, Stanton, Cuming, on the one hand, and, on the other hand, points between said counties over irregular routes: A video hearing was scheduled for July 27, 2005, at 10:00 a.m. in the Commission Library, Lincoln, and City Hall, 1615 First Avenue, South Sioux City. Commissioner Rod Johnson was appointed as Hearing Officer.

Rate Division

LR-254 In the Matter of DJW, Inc., dba Luxury Limousine, Syracuse, seeking authority to amend its rates and charges: Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

MR-930 In the Matter of Movers and Warehouse Division, Nebraska Motor Carriers Association, Lincoln, seeking authority to establish a fuel surcharge in Nebraska Official Household Goods Tariff 7-F: The fuel surcharge was retained at 50 cents per mile.

Commissioners Anne Boyle and Frank Landis exited the Commission Hearing Room.

GRAIN WAREHOUSE DEPARTMENT

Commissioner Frank Landis returned to the Commission Hearing Room.

GW-265 In the Matter of Diller Grain Co., Inc. dba Searcey Grain Co., Beatrice, seeking to terminate storage contracts represented by the following scale tickets: 4,100.36 bushels of corn issued to Keith Shuey, Tecumseh; 1,205.73 bushels of soybeans and 5,603.00 bushels of corn issued to Verlyn Beethe, Steinauer. Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis, to enter orders terminating the storage. Motion passed with Commissioners Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE, Commissioner Anne Boyle Excused Not Voting.

GRAIN WAREHOUSE DEPARTMENT (Cont.)

Commissioner Rod Johnson exited the Commission Hearing Room.

GW-852 In the Matter of John A. Fecht, Director, Warehouse
GWC-408 Department, Complainant, v. Spalding Cooperative Elevator
Company dba Country Partners Cooperative, Spalding,
Defendant: Motion made by Commissioner Lowell Johnson, seconded by
Commissioner Frank Landis, to enter a complaint, an order to show
cause and schedule a hearing for September 7, 2005 at 1:30 p.m. in the
Commission Hearing Room, Lincoln. Motion passed with Commissioners
Lowell Johnson, Frank Landis, Jerry Vap voting AYE, Commissioners Anne
Boyle, Rod Johnson Excused Not Voting. Commissioner Vap was appointed
as Hearing Officer.

GW-853 In the Matter of John A. Fecht, Director, Warehouse Depart-
GWC-406 ment, Complainant, v. Retzlaff Grain Company, Incorporated,
Clinton, Defendant: An order was entered approving a
stipulation, dismissing the amended complaint, and canceling the hear-
ing scheduled for August 3, 2005.

GW-1946 In the Matter of Tri-State Insurance Company of Minnesota
seeking cancellation of its continuous public grain Ware-
house bond number 702 43 17 in the amount of \$173,600.00, issued on
behalf of Dixon Elevator Co., Dixon: Bond was cancelled effective
July 1, 2005.

Commissioner Rod Johnson returned to the Commission Hearing Room.

GENERAL ADMINISTRATION

Motion made by Commissioner Lowell Johnson, seconded by
Commissioner Rod Johnson, to approve the following Commission
invoices. Motion passed with Commissioners Lowell Johnson, Rod
Johnson, Frank Landis, Jerry Vap voting AYE, Commissioner Anne Boyle
Excused Not Voting.

DAS - IMServices	\$ 676.19
National Conference of States on Building Codes & Standards	3,000.00
Thomson West	557.20
Steve Stoval	1,089.19
Rod Johnson	373.01

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM

Alternative Hearing	515.00
Beltone Hearing Aid Center	454.50
Bosler Hearing Aid Center	535.85
Dynavox Systems	985.00
Grand Island Hearing Aid Center	288.00

GENERAL ADMINISTRATION (Cont.)

Johnson Hearing Aid Center	\$ 576.45
K-D Communications	981.85
Professional Hearing Aid Services	679.85
Teltex	432.35
Weitbrecht Communications	1,895.90
Western ENT Associates	119.95

Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson, to approve Commission minutes for the month of June 2005. Motion passed with Commissioners Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE, Commissioner Anne Boyle Excused Not Voting.

Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to go into closed session to discuss personnel and investigatory matters. Motion passed with Commissioners Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE, Commissioner Anne Boyle Excused Not Voting. The Commission went into closed session at 10:37 a.m.

Commissioner Anne Boyle returned to the Commission Hearing Room.

Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to return to open session. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE. The Commission returned to open session at 10:52 a.m.

Jeff Pursley gave a presentation on the Tele-Health Program.

The meeting adjourned at 11:30 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap present. The next regularly scheduled meeting will be held on August 2, 2005, at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on August 1, 2005.

Chairman

Executive Director